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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,802	06/20/2000	Scott Joseph Duggan	RCA 90,040	5979

7590

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EXAMINER

CRUZ, MAGDA

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 12/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/597,802

Applicant(s)

DUGGAN ET AL.

Examiner

Magda Cruz

Art Unit

2851

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 7, 8, 12-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 8, 12-17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "*reference surfaces*" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- a. The specification lacks to clearly define the "reference surfaces" mentioned on the claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-5, 7-8, 13-17, 19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by VanBreemen et al.

VanBreemen et al. (US Patent Number 4,556,913) discloses a cabinet (11) for a projection television system (10), the projection television system (10) having a plurality of optical components (12, 13, 15, 16, 17), the cabinet (11) comprises a one-piece molded structure (on Figure 1, is clearly shown that element 11 is a single piece) for mounting the components (12, 13, 15, 16, 17); locating features unitary with the structure and for optically aligning the components with one another (means for positioning the optical components, not shown in the drawings, but inherently part of the cabinet). The optical components include a light projector assembly (12) for generating images (column 2, lines 11-12), a screen (17) for viewing the images, and at least one mirror (16) for directing the images generated by the projector assembly (12) to the screen (17); a vertical wall (right wall of element 11) that defines a reference surface for the light projector assembly (12). The locating features include at least one boss (upper

area on the left side of element 16, Figure 1) having a surface that defines one of the reference surfaces, and at least one slot (left upper area of element 16, Figure 1, wherein said element is attached to the cabinet) that define a reference plane for the mirror (16), a pocket (upper and lower element wherein element 17 is attached to the cabinet, i.e. ribs, slot) that defines a reference plane for the screen (17), minimizing tolerance stacks for mounting the components (column 3, lines 59-61).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanBreemen et al. in view of Boldt et al.

VanBreemen et al. (US Patent Number 4,556,913) teaches the salient features of the present invention, except a cabinet wherein the enclosure is molded from plastic. However, VanBreemen et al. disclose a cabinet (11), but not the material that it is made.

Boldt et al. (US Patent Number 4,006,300) discloses a cabinet (10) wherein the enclosure is molded from plastic (column 2, lines 19-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the cabinet disclosed by Boldt et al. in substitution of the cabinet from VanBreemen et al.'s invention, for the purpose of providing a plastic

cabinet back for a television receiver which affords substantial economic benefit (column 2, lines 20-21).

### ***Response to Arguments***

9. Applicant's arguments filed 09/05/2003 have been fully considered but they are not persuasive.

10. The applicant has argued, "the reference surfaces are clearly shown and identified in the drawings and described in the specification" and even refers to element 44 as a "reference surface". However, the specification defines element 44 as an end surface. Furthermore, the specification does not define "reference surfaces" as "end surfaces", "angled-down surfaces", "rear surface", "bottom", etc. Instead, the specification shows that "end surfaces 44 of the bosses 42 cooperate to define a reference plane", not a reference surface (page 4, lines 5-6).

11. The applicant has argued that the prior art "fails to expressly or inherently disclose reference surfaces for locating the lower mirror and the image source" and "reference surfaces for locating the upper mirror and the screen". However, VanBreemen et al. (US Patent Number 4,556,913) inherently discloses such reference surfaces for locating the lower mirror (15), image source (12), upper mirror (16) and the screen (17), since it is obvious that such elements (i.e. lower mirror, upper mirror, image source and screen) are not suspended on the air. Therefore, is inherent the presence of a "reference surface".

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scott (US Patent Number 3,804,504) discloses a housing adapted to support a projector and having a rearwardly disposed mirror and an upwardly and forwardly disposed rear projection screen, wherein the housing proper is a one-piece molded plastic structure.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (703)308-

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6367. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703)308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800